

FILED
U.S. DISTRICT COURTIN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISIONAUG -5 A 11: 39
DISTRICT OF UTAHBY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

vs.

DANELLE DECEW, JAMES FRED
GORDON, and JOHN VINCENT ALLEN

Defendants.

ORDER

Case No. 2:04 CR 00688

Judge Dee Benson

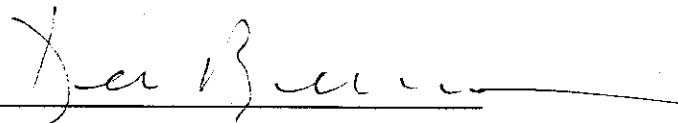
Before the Court is Defendant Danelle Decew's objection to the Magistrate's Report and Recommendation on Defendant's motion to suppress. Defendant's motion sought to suppress all evidence seized from her residence pursuant to a search warrant, as well as all post-arrest statements. The Magistrate held a hearing on the motion on March 1, 2005. Following the hearing, the parties submitted additional briefing. On May 23, 2005, the Magistrate issued a Report and Recommendation recommending that Defendant's motion be denied.

Defendant objects to the recommendation, arguing that the search warrant in this case lacked probable cause and that Defendant's statements were not voluntarily made. The Court, having reviewed the Magistrate's Report and Recommendation, the briefing, and relevant law, finds that the Magistrate did not err in his findings or conclusions. The search warrant at issue did not lack probable cause and, under the totality of circumstances, Defendant's statements were

not involuntarily made. The Court accordingly ADOPTS the Report and Recommendation in its entirety.¹

IT IS SO ORDERED.

DATED this 4th day of August, 2005.


Dee Benson
United States District Judge

¹The Court also adopts the Report and Recommendation as it applies to Defendant James Fred Gordon. Defendant Gordon joined in Defendant Decew's motion to suppress evidence seized from the residence. Defendant Gordon filed a statement of objection to the Report and Recommendation, but did not file a memorandum in support of his objection.